

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference DUC-006PC 2	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US 07/21648	International filing date ( <i>day/month/year</i> ) 10 October 2007 (10.10.2007)	(Earliest) Priority Date ( <i>day/month/year</i> ) 12 October 2006 (12.10.2006)
Applicant BLACK DUCK SOFTWARE, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed.  
☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☒ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 2  
☐ as suggested by the applicant.  
☒ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

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## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:  
Reasons for Lack of Unity of Invention:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be searched, the appropriate additional search fees must be paid.

Group I: claims 1-24, drawn to a method/system for export compliance containing performing an examination of one or more content files and identifying content used by or included in the one or more content files that is indicative of content subject to export control..

Group II: claims 25-39, drawn to a method/system for examining a software program to identify an algorithm containing identifying a first portion of the software program that is similar to a portion of a comparison software program and indicating that the software program uses the identified algorithm.  
-see extra sheet-

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:  
1-24

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 07/21648

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - H04L 9/00 (2009.01)

USPC - 713/153

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
USPC: 713/153

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
USPC: 713/1 (text search-see terms below)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
PubWEST (USPT, PGPB, EPAB, JPAB); DialogPRO; Google  
Export, requirement, content, file, system, subsystem, method, examine, examining, identify, control, indication, compliance, computer, assist, examination, result, use, expect, software, encrypt, algorithm, user, database, public, available, information, aggregation, detect

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2003/0163684 A1 (FRANSDONK) 28 August 2003 (28.08.2003), FIG. 1, 2, 3, 4, 6A, 6B, 7, 18, and 24, para [0010], [0013], [0016], [0019], [0022]-[0023], [0032], [0061]-[0063], [0065], [0079], [0105], [0107], [0110]-[0121], [0218]-[0220], [0232], [0238], [0348], [0351], and [0370]-[0372]	1-12 ---
Y		13-24
Y	US 2003/0018891 A1 (HALL et al.) 23 January 2003 (23.01.2003), FIG. 2 and 3, para [0026]-[0031], [0041]-[0044], and [0049]	13-24

☐ Further documents are listed in the continuation of Box C.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search  
14 January 2009 (14.01.2009)

Date of mailing of the international search report  
30 JAN 2009

Name and mailing address of the ISA/US  
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Continuation of Box III: Observations where unity of invention is lacking

The inventions listed as Groups I - II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of the Group I invention is a method/system for export compliance containing performing an examination of one or more content files and identifying content used by or included in the one or more content files that is indicative of content subject to export control. The special technical feature of the Group II invention is a method/system for examining a software program to identify an algorithm containing identifying a first portion of the software program that is similar to a portion of a comparison software program and indicating that the software program uses the identified algorithm. None of these special technical features are common to the other groups, nor do they correspond to a special technical feature in the other groups. Therefore, unity of invention is lacking.